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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/548,081	09/06/2005	Junichi Sato	P28440	7635
52123 7590 04/29/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
MIRZA, ADNAN M				
ART UNIT		PAPER NUMBER		
2445				
NOTIFICATION DATE		DELIVERY MODE		
04/29/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/548,081

Applicant(s)

SATO ET AL.

Examiner

ADNAN MIRZA

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/16/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (U.S. 2005/0088972) and further in view of Parkvall et al (U.S. 6,542,736).

As per claims 27,35 Zhang disclosed a method for broadcasting content to a plurality of mobile terminals, the method comprising: storing content, and a plurality of pieces of program configuration information, the program configuration information a screen arrangement of the content (Page. 3, Paragraph. 0040); and broadcasting the content and the plurality of pieces of program configuration information to a plurality of mobile terminals (Page. 2, Paragraph. 0024).

However Zhang did not disclose in detail, "wherein, in the storing, the plurality of pieces of program configuration information are associated with respective transmission bands, so that the plurality of mobile terminal each select one of the plurality of pieces of program configuration information based on a transmission condition".

In the same field of endeavor Parkvall disclosed, "The process of modifying one or more signal transmission parameters to compensate for channel quality variations is sometimes referred to as link adaptation", where "link" refers to radio link between a base station and a mobile terminal. Link adaptation may be accomplished by changing the transmit power of the base station, e.g., increasing the transmit power level for the data transmitted to mobile terminals with a bad channel quality. Link adaptation may also be accomplished by changing the type of modulation and amount of channel coding applied to the data to be transmitted by the base station. Moreover, link adaptation may also be performed in the uplink by the mobile terminal (col. 2, lines 24-36)".

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the process of modifying one or more signal transmission parameters to compensate for channel quality variations is sometimes referred to as link adaptation", where "link" refers to radio link between a base station and a mobile terminal. Link adaptation may be accomplished by changing the transmit power of the base station, e.g., increasing the transmit power level for the data transmitted to mobile terminals with a bad channel quality. Link adaptation may also be accomplished by changing the type of modulation and amount of channel coding applied to the data to be transmitted by the base station. Moreover, link adaptation may also be performed in the uplink by the mobile terminal as taught by Parkvall in the

method and system of Zhang to increasing productivity and reduce latency while reduce the overhead cost in terms of bandwidth and hardware.

3. As per claim 28 Zhang-Parkvall disclosed method for receiving content broadcast from a server, comprising: receiving content, and a plurality of pieces of program configuration information associated with respective bands, the plurality of pieces of the program configuration information including a screen arrangement of the content and selecting program configuration information that is associated with an appropriate transmission band, from the plurality of pieces of program configuration information based on a transmission condition (Parkvall, col. 3, lines 16-35).

4. As per claim 29 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher priority based on the transmission condition (Parkvall, col. 3, lines 49-54).

5. As per claim 30 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher bit rate based on the transmission condition (Zhang, Page. 3, Paragraph. 0040).

6. As per claims 31,34,38 Zhang-Parkvall disclosed a method for broadcasting

content from server to a plurality of mobile terminals, the method comprising: storing content and a plurality of pieces of program configuration information, the program configuration information including a screen arrangement of the content; broadcasting the content and the plurality of pieces of program configuration information to a plurality of mobile terminals (Parkvall, col. 2, lines 24-36);receiving, the content and the plurality of pieces of program configuration information associated with respective transmission bands; and selecting, each mobile terminal, program configuration information that is associated with an appropriate transmission band, from the plurality of pieces of program configuration information based on a transmission condition (Zhang, Page. 3, Paragraph. 0039).

7. As per claims 32,36,39 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher priority based on the transmission condition (Zhang, Page. 4, Paragraph. 0045)
8. As per claims 33,37,40 Zhang-Parkvall disclosed wherein the selecting comprises selecting program configuration information corresponding to a higher bit rate based on the transmission condition (Zhang, Page. 3, Paragraph. 0040).
9. As per claims 41-46 Zhang-Parkvall disclosed wherein the selection of one of the plurality of program configuration information is by unidirectional communication (Parkvall col. 6, lines 37-46).

Response to Arguments

10. Applicant's arguments filed 02/16/2010 have been fully considered but they are not persuasive. Applicant's arguments are as follows.

Applicant argued that prior art did not disclose, "wherein the selection of one of the plurality of program configuration information is by unidirectional communication".

As to Parkvall disclosed, "

Each of the core network service nodes 18 and 20 connects to a UMTS Terrestrial Radio Access Network (UTRAN) 24 that includes one or more Radio Network
40 Controllers (RNCs) 26. Each RNC is connected to a plurality of Base Stations (BS) 28 and to any other RNCs in the UTRAN 22. Radio communications between the base stations 28 and Mobile Terminals (MT) 30 are by way of a radio interface. Radio access is based on Wide-band CDMA
45 (W-CDMA) with individual radio channels distinguished using orthogonal spreading codes. Wide-band CDMA pro-

(col. 6, lines 37-46). One ordinary skill in the art considered the radio interface communication as unidirectional communication between the base station and the Mobile terminals.

11. **Examiner's notes:** Examiner has cited particular columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the

specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Conclusion

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

13. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SRIVASTAVA VIVEK can be reached on (571)-272-7304. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/Adnan M Mirza/

Examiner, Art Unit 2445